### Case 3:73 cv-00127-MMD-WGC Document 5 Filed 06/21/07 Page 1 of 59

IN THE UNITED STATES DISTRICT COURT 2 FOR THE DISTRICT OF NEVADA 3 UNITED STATES OF AMERICA. 4 Plaintiff. 5 WALKER RIVER PAIUTE TRIBE. IN EQUITY NO. C-125 6 Plaintiff-Intervenor, SUBFILE NO. C-125-B 7 VS. 8 WALKER RIVER IRRIGATION DISTRICT. a corporation, et al., NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE 10 11 I hereby enter my appearance in this sub-proceeding in this case. 1. 12 2, I am filing this document with the District Court at the following address: 13 Chief Deputy Clerk 14 United States District Court for the District of Nevada 15 400 South Virginia Street, Suite 301 Reno, Nevada 89501 16 3. In the envelope provided for return of my Waiver of Service of Notice in Lieu of 17 Summons, I am mailing a copy of this document to: 18 Susan L. Schneider 19 Attorney for the United States of America United States Department of Justice Environment & Natural Resources Division 20 P.O. Box 756 21 Littleton, Colorado 80160 22 4. I (or the entity on whose behalf I am acting) will retain all defenses or objections to the lawsuit or to the jurisdiction or venue of the court except for objections based on a defect in the Notice in Lieu of Summons or in the service of the Notice in Lieu of Summons. 24 If I (or the entity on whose behalf I am acting) have retained an attorney to represent 25 5. me in these proceedings, I identify that attorney below, along with his or her mailing address, 26 27 telephone number, and facsimile number:

NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE, page 1 of 2

28

| ase 3:73 | -cv-00127-MMD-WGC I | Document 5 | Filed 06/21/07 Page 2 of 59 |
|----------|---------------------|------------|-----------------------------|
| 1        | Attorney:           |            |                             |
| . 2      |                     |            |                             |
| 3        | Address:            | •          |                             |
| 4        | ·                   |            |                             |
| 5        |                     | -          |                             |
| 6        | Phone Number:       |            |                             |
| 7        | Fax Number:         |            |                             |
| 8        |                     |            | Loseph Dnabul               |
| . 9      |                     |            | (Signature)                 |
| 10       |                     |            |                             |
| 11       |                     |            | Joseph I. Madrid            |
| 12       |                     |            | (Printed or typed Name)     |
| 13       |                     |            |                             |
| 14       |                     |            | Walker River IRRigat.       |
| 15       |                     |            | (Entity, if any, on whose   |
| 16       |                     |            | behalf you are appearing)   |
| 17       |                     |            |                             |
| 18       |                     |            | (Address)                   |
| 19       |                     |            | (Telephone number)          |
| 20       |                     |            |                             |
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| . 22     |                     |            |                             |
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Supering Sup

JOSEPH I, MADRID MARIA MADRID 595 HWY. 339 YERINGTON, NV 89447

#### v-00127-MMD-WGC Document 5 Filed 06/21/07 Page 4 of 59 IN THE UNITED STATES DISTRICT COURT 2 FOR THE DISTRICT OF NEVADA 3 UNITED STATES OF AMERICA. 4 Plaintiff 5 WALKER RIVER PAIUTE TRIBE. IN EQUITY NO. C-125 6 Plaintiff-Intervenor, SUBFILE NO. C-125-B 7 vs 8 WALKER RIVER IRRIGATION DISTRICT. a corporation, et al., NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE 10 11 I hereby enter my appearance in this sub-proceeding in this case. 1. 12 I am filing this document with the District Court at the following address: 2. 13 Chief Deputy Clerk 14 United States District Court for the District of Nevada 15 400 South Virginia Street, Suite 301 Reno, Nevada 89501 16 In the envelope provided for return of my Waiver of Service of Notice in Lieu of 3. 17 Summons. I am mailing a copy of this document to: 13 Susan L. Schneider 19 Attorney for the United States of America United States Department of Justice Environment & Natural Resources Division 20 P.O. Box 756 21 Littleton, Colorado 80160 22 I (or the entity on whose behalf I am acting) will retain all defenses or objections to the lawsuit or to the jurisdiction or venue of the court except for objections based on a defect 23 in the Notice in Lieu of Summons or in the service of the Notice in Lieu of Summons. 24 25 If I (or the entity on whose behalf I am acting) have retained an attorney to represent 5. me in these proceedings, I identify that attorney below, along with his or her mailing address, 27 telephone number, and facsimile number: 28 NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE, page 1 of 2

#### cv-00127-MMD-WGC Document 5 Filed 06/21/07 Page 5 of 59 Altorney: Address: Phone Number: Fax Number: (Signature) (Printed or typed Name) (Entity, if any, on whose behalf you are appearing) (Address) (Telephone number) 2.0

Case 3:42-cv-00154-mmc A & Les Dept. A Colorado & Olorado & Colorado & Colora

JOSEPH I. MADRID MARIA MADRID 595 HWY. 339 YERINGTON, NV 89447

## Case 3:73-cv-00127-041/12 of 59

#### Susan L. Schneider, attorney for the United States of America TO:

- 1. I acknowledge receipt of your request that I waive service of a Notice in Lieu of Summons in the action of United States v. Walker River Irrigation District, which is docket number In Equity C-125, Subfile C-125-B, in the United States District Court for the District of Nevada.
- 2. I have also received a copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA, the FIRST AMENDED COUNTERCLAIM OF WALKER RIVER PAIUTE TRIBE, the CASE MANAGEMENT ORDER (Apr. 18, 2000), two copies of a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE, a copy of the ORDER - DISCLAIMER OF INTEREST and related form, a copy of the ORDER REGARDING CHANGES IN OWNERSHIP OF WATER RIGHTS and related form, two copies of this instrument (WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS), and a means by which I can return the signed waiver to you without cost to me.
- 3. I agree to save the cost to me of service of a Notice in Lieu of Summons and an additional copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA and the FIRST AMENDED COUNTERCLAIM OF THE WALKER RIVER PAIUTE TRIBE in this lawsuit by not requiring that I (or the entity on whose behalf I am acting) be served with judicial process in the manner provided by Rule 4 of the Federal Rules of Civil Procedure.
- 4. I understand that if I waive service of a Notice in Lieu of Summons, I must mail a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE to Susan L. Schneider, attorney for the United States, and I may use the same envelope provided for return of the waiver of service.
- 5. I (or the entity on whose behalf I am acting) will retain all defenses or objections to the lawsuit or to the jurisdiction or venue of the Court except for objections based on a defect in the Notice in Lieu of Summons or in the service of the Notice in Lieu of Summons.

| Date: 2-12-2007 | Cystel molemnion   |
|-----------------|--|
| Date:           | Signature Mo Cammord   |
|                 | Printed/Typed Name   |
|                 | If you are acting on behalf of any entity, identify that you are |
|                 | acting as: of  |
|                 | (Title)  |
| ·               | (Corporate, Trust, Partnership or other entity)                  |

Duty to Avoid Unnecessary Costs of Service of Notice in Lieu of Summons

Rule 4 of the Federal Rules of Civil Procedure requires certain parties to cooperate in saving unnecessary costs of service of the Notice in Lieu of Summons and the First Amended Counterclaims. An entity (such as yourself) located in the United States who, after being notified of an action and asked by a plaintiff (here the United States and Tribe) located in the United States to waive service of a Notice in Lieu of Summons, fails to do so will be required to bear the cost of such service unless good cause be shown for its failure to sign and return the waiver.

It is not good cause for a failure to waive service that a party believes that the claims of the opposing parties are unfounded, or that the action has been brought in an improper place or in a court that lacks jurisdiction over the subject matter of the action or over its person or property. A party who waives service of the Notice in Lieu of Summons retains all defenses and objections (except any relating to the Notice in Lieu of Summons or to the service of the Notice in of Summons), and may later object to the jurisdiction of the court or to the place where the action has been brought.

# Case 3:73-cv-00127-MMD-WGC Document 5 Filed 06/21/07 Page 8 of 59 WAIVER OF SERVICE OF NOTICE IN LIFTURE SUMMONS

#### TO: Susan L. Schneider, attorney for the United States of America

- 1. I acknowledge receipt of your request that I waive service of a Notice in Lieu of Summons in the action of *United States v. Walker River Irrigation District*, which is docket number In Equity C-125, Subfile C-125-B, in the United States District Court for the District of Nevada.
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- 3. I agree to save the cost to me of service of a Notice in Lieu of Summons and an additional copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA and the FIRST AMENDED COUNTERCLAIM OF THE WALKER RIVER PAIUTE TRIBE in this lawsuit by not requiring that I (or the entity on whose behalf I am acting) be served with judicial process in the manner provided by Rule 4 of the Federal Rules of Civil Procedure.
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| Date: <u>02 - 13 2007</u> | Signature Signature   |        |
|---------------------------|---|--------|
|                           | WADE B. MCCAMMOND Printed/Typed Name                        |        |
|                           | If you are acting on behalf of any entity, identify that yo | ıı are |
|                           | acting as:  | _ of   |
|                           | (Title)   |        |
|                           | (Corporate, Trust, Partnership or other entity)             |        |

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## Case 3:73-cv-00127-MMD-WGC Document 5 Filed 06/21/07 Page 9 of 59

#### SSA DEATH RECORD

Information Current Through: 03/30/2007 Database Last Updated: Update Frequency:

03/31/2007 WEEKLY 04/06/2007

Current Date: Source:

Social Security Administration Death Index

IDENTIFYING INFORMATION

Name:

FRANK M MCCLELLAN

SSN:

560-50-XXXX

State Where SSN Issued:

CALIFORNIA

INFORMATION REGARDING DECEASED

Date of Birth:

02/20/1940 06/21/2004

Date of Death:

Age at Death:

Verification of Death:

(P) Proof of Death Certificate Observed YERINGTON, NV 89447

Last Residence:

Call Westlaw CourtExpress at 1-877-DOC-RETR (1-877-362-7387) to order copies of documents related to this or other matters.

Additional charges apply.

END OF DOCUMENT

© 2007 Thomson/West. No Claim to Orig. U.S. Govt. Works.

# Case 3:73-cv-00127-MMD-WGC Document 5 Filed 06/21/07 Page 10 of 59 WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS

## TO: Susan L. Schneider, attorney for the United States of America

- 1. I acknowledge receipt of your request that I waive service of a Notice in Lieu of Summons in the action of *United States v. Walker River Irrigation District*, which is docket number In Equity C-125, Subfile C-125-B, in the United States District Court for the District of Nevada.
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| Date: <u>2-20-07</u> | Kenneth & Mc Haughey<br>Signature                                |
|----------------------|--|
| •                    | Kenneth L McGaughey  |
|                      | Printed/Typed Name   |
|                      | If you are acting on behalf of any entity, identify that you are |
|                      | acting as: of  |
|                      | (Title)  |
|                      | (Corporate, Trust, Partnership or other entity)                  |

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#### Case 3:73-cv-00127-MMD-WGC Document 5 Filed 06/21/07 Page 11 of 59

#### WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS

#### TO: Susan L. Schneider, attorney for the United States of America

- 1. I acknowledge receipt of your request that I waive service of a Notice in Lieu of Summons in the action of *United States v. Walker River Irrigation District*, which is docket number In Equity C-125, Subfile C-125-B, in the United States District Court for the District of Nevada.
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Date: 2-20-07

Signature

Signature

Printed/Typed Name

If you are acting on behalf of any entity, identify that you are acting as:

(Title)

(Corporate, Trust, Partnership or other entity)

#### Duty to Avoid Unnecessary Costs of Service of Notice in Lieu of Summons

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\*Parcel Number 010-361-01 Last Updated 1/23/07 By QUISENBERY Legal Owner..... LASALLE BANK N A TR

Assessed Owner..... LASALLE BANK N A TR

Force Assmt Notice...

Force Ag Message... Mail Address...... \* WILSHIRE CREDIT CORPORATION Force Label..... 14523 SW MILLIKAN WY #200 Force Card/Aff (C/A).. City, State..... BEAVERTON, OR Zip... 97005-0000 Vesting Doc #, Date. 398373 1/08/2007 Yr, Bk, Pg 00 000 000 Corr Rq'd Map Document #s.... Description # Dir Street or Other Description Unit #(s) 27 PIT RD 34-11-23 FRNE4NE4SW4 Property Location... Subdivision..... Block... Town.....SMITH VALLEY Parcel Map ID.. Property Name.....

Remarks...... THE MLMI TRUST SERIES 2006-WMC2 Confidential.. Parcel # Containing Descriptive/Document Data.... Size

Total Acres...

Ag Acres...

F9=Scan >/< >
F10=Other Functions

F12=Cancel F14=Imprvmnts/Appraisal Data F15=Legal Description F16=Misc Notes F17=Factoring History F20=Tax Years F21=Personal Property F22=Ag Land F23=Exemptions F24=Livestock Counts

| Parcel Number 010-361-01 Owner MERRITHEW, MONTY C Location 27 PIT RD 34-11-23 FRNE4NE4SW4 Town SMITH VALLEY  Improvements 73 CV-001 27-MMD-WGC Document 5 Filed 06/21/07 Page 13 of 59  Sngl-Fam Detached. 1 Non-Dwell Units. 0 Sq Ft Garage. 0 Att/Det  Sngl-Fam Attached. 0 MH Hookups 0 # Bdrms 3 #Baths 2.00  Mult-Fam Units 0 Wells 1 # of Stories. 1.0  Mobile Homes 0 Septic Tanks 1 Sq Ft Basement 0  Tot Dwell Units: 1 SqFt Bldgs 1,603 Sq Ft Fin Basement 0 |
|--|
| Use/Appraisal Data Current Land Use Code: 200 (To change, go to Tax Year Data screen) Zoning Code(s) RR2T Special Ownership Special Prop Class   |
| . User-defined Fields: 1st Set   |
| F9=Scan >/< > F10=Other Functions F12=Cancel F13=Ownership/Description F15=Legal Description F16=Misc Notes F17=Factoring History F20=Tax Years F21=Personal Property F22=Ag Land F23=Exemptions F24=Livestock Counts  |

## Case 3:73-cv-00127-MMD-WGC Document 5 Filed 06/21/07 Page 14 of 59

## WALKER RIVER DEFENDANT UPDATE FORM

| Date: 2/21/09                |                |                                       |   |
|------------------------------|----------------|---------------------------------------|---|
| Defendant number:            | <del></del>    |                                       |   |
| Parcel Number:               | ·              | County: LY                            | DO [ ]  |
| Vesting deed number:         |                | MI[]                                  | MO [ ]  |
| Name on database: 200        | Nty C.         | morrither                             | <u>~</u>  |
| Corrected name:              | <u> </u>       |                                       |   |
| Individual(s)?               | Yes [ ] No [ ] | Trust?                                | Yes [ ] No [ ]                                  |
| Partnership?                 | Yes [ ] No [ ] | LLC?                                  | Yes [ ] No [ ]                                  |
| LLP?                         | Yes [ ] No [ ] | Corporation?                          | Yes [ ] No [ ]                                  |
| Parcel number correct?       | Yes [ ] No [ ] | Multiple numbers?                     | Yes [ ] No [ ]                                  |
| Mailing address correct?     | Yes [ ] No [ ] | Physical correct?                     | Yes [ ] No [ ]                                  |
| Transferred?                 | Yes [ ] No [ ] | Change to trust?                      | Yes [ ] No [ ]                                  |
| Parcel split?                | Yes [ ] No [ ] | Consolidation?                        | Yes [ ] No [ ]                                  |
| Water right vesting correct? | Yes [ ] No [ ] |                                       |   |
| New mailing address:         |                |                                       | ۲,<br>— ب:                                      |
| New physical address:        |                | <u> </u>                              | <u>',                                      </u> |
| COMMENTS:                    | 0              | 1,                                    |   |
| - alos                       | M KM           | W                                     | ·   |
| - AND                        | W.             |                                       | ······································          |
|                              | MAN            |                                       |   |
|                              |                |                                       |   |
|                              | <del></del>    | · · · · · · · · · · · · · · · · · · · |   |
| See attached:                | •              |                                       | •   |

### Case 3:73-cv-00127-MMD-WGC Document 5 Filed 06/21/07 Page 15 of 59

1 IN THE UNITED STATES DISTRICT COURT 2 FOR THE DISTRICT OF NEVADA 3 UNITED STATES OF AMERICA 4 Plaintiff. 5 WALKER RIVER PAIUTE TRIBE, IN EQUITY NO. C-125 6 Plaintiff-Intervenor, SUBFILE NO. C-125-B 7 VS. 8 WALKER RIVER IRRIGATION DISTRICT. 9 a corporation, et al., NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE 10 11 1. I hereby enter my appearance in this sub-proceeding in this case. 12 2. I am filing this document with the District Court at the following address: 13 Chief Deputy Clerk United States District Court for the 14 District of Nevada 400 South Virginia Street, Suite 301 15 Reno, Nevada 89501 16 In the envelope provided for return of my Waiver of Service of Notice in Lieu of 3. 17 Summons. I am mailing a copy of this document to: 13 Susan L. Schneider 3.9 Attorney for the United States of America United States Department of Justice Environment & Natural Resources Division 20 P.O. Box 756 Littleton, Colorado 80160 .. 21 I (or the entity on whose behalf I am acting) will retain all defenses or objections 22 to the lawsuit or to the jurisdiction or venue of the court except for objections based on a defect 23 in the Notice in Lieu of Summons or in the service of the Notice in Lieu of Summons. 24 If I (or the entity on whose behalf I am acting) have retained an attorney to represent 25 5. me in these proceedings. I identify that attorney below, along with his or her mailing address, 27 telephone number, and facsimile number: 28

NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE, page 1 of 2

## Case 3:73 cv-00127-MMD-WGC Document 5 Filed 06/21/07 Page 16 of 59

|   | Attorney:     |   |
|---|---------------|---|
|   |               |   |
|   |               |   |
|   | Address:      |   |
|   |               |   |
|   |               |   |
|   | Phone Number: |   |
|   | Fax Number:   | or MM   |
|   |               | ance Mohatt   |
|   |               | (Signature)   |
|   |               |   |
|   |               | Lance Mosfitt                                       |
|   |               | (Printed or typed Name)                             |
|   | -             |   |
|   |               |   |
|   |               | (Entity, if any, on whose behalf you are appearing) |
|   |               | P.C. Box 956  |
|   |               | Gerington, NV 89447                                 |
|   |               | (Address)   |
|   |               | <u>775-4163-7806</u><br>(Telephone number)          |
|   |               | (**************************************             |
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RENO NV 895

THE MAN ACCOUNTS THE

Environment & Natural Resources Division SUSAN L. Schneider
Attorney for The United States of America United states Pepartmento f Justice Littleton, Colo 80160 P.O. Box 756

# Case 3:73-cv-00127-MMD-WGC Document 5 Filed 06/21/07 Page 18 of 59 Case 3:73-cv-00127-MMD-WGC Document 5 Filed 06/21/07 Page 18 of 59

Susan L. Schneider, attorney for the United States of America TO:

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| Date: 3-15-07 | Signature  Victoria Moon   |
|---------------|--|
|               | Printed/Typed Name  If you are acting on behalf of any entity, identify that you are acting as:  Of  (Title) |
|               | (Corporate, Trust, Partnership or other entity)  |

Duty to Avoid Unnecessary Costs of Service of Notice in Lieu of Summons

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It is not good cause for a failure to waive service that a party believes that the claims of the opposing parties are unfounded, or that the action has been brought in an improper place or in a court that lacks jurisdiction over the subject matter of the action or over its person or property. A party who waives service of the Notice in Lieu of Summons retains all defenses and objections (except any relating to the Notice in Lieu of Summons or to the service of the Notice in of Summons), and may later object to the jurisdiction of the court or to the place where the action has been brought.

# Case 3:73-cv-00127-MMD-WGC Document 5 Filed 06/21/07 Page 19 of 59

|          | . <b>∦</b>  |  |  |
|----------|---|--|--|
|          | IN THE UNITED STATES DISTRICT COURT<br>FOR THE DISTRICT OF NEVADA                                   |  |  |
|          | UNITED STATES OF AMERICA,   |  |  |
| -        | Plaintiff,  |  |  |
|          | WALKER RIVER PAIUTE TRIBE, IN EQUITY NO. C-125  |  |  |
|          | Plaintiff-Intervenor, ) SUBFILE NO. C-125-B   |  |  |
| {        | vs.   |  |  |
| 9        | WALKER RIVER IRRIGATION DISTRICT  |  |  |
| 10       | TO THE OF ATTEARANCE AND INTENT TO PARTICIPATE  |  |  |
| 11       | 1. I hereby enter my appearance in this cut   |  |  |
| 13       | 2. I am filing this document with the District of   |  |  |
| 14       | Chief Deputy Clerk  |  |  |
| 15       | 400 South Virginia Street, Suite 301<br>Reno, Nevada 89501  |  |  |
| 16<br>17 | 3. In the envelope provided for return of my Waiver of Service of Notice in Lieu of                 |  |  |
| 18       | Summons, I am mailing a copy of this document to:   |  |  |
| 19       | Susan L. Schneider Attorney for the United States of America  |  |  |
| 20       | United States Department of Justice Environment & Natural Resources Division                        |  |  |
| 21       | P.O. Box 756<br>Littleton, Colorado 80160   |  |  |
| 22       | 4. I (or the entity on whose behalf I am acting) will retain all defenses or objections             |  |  |
| 23       | to the lawsuit or to the jurisdiction or venue of the court except for objections based on a defect |  |  |
| 24       | in the Notice in Lieu of Summons or in the service of the Notice in Lieu of Summons.                |  |  |
| 25       | 5. If I (or the entity on whose behalf I am acting) have retained an attorney to represent          |  |  |
| 26       | ne in these proceedings, I identify that attorney below, along with his or her mailing address,     |  |  |
| 27       | elephone number, and facsimile number:  |  |  |
| 28       |   |  |  |
|          | NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE, page 1 of 2   |  |  |

#### v-00127-MMD-WGC Document 5 Filed 06/21/07 Page 20 of 59 Altorney: 2 .3 Address: Victoria S. Moon 4 1390 Centerville Road, Ste. D Gardnerville, Nevada 89460 5 Phone Number: Fax Number: rétries. Moor 8 9 (Signature) 10 11 Victoria s. Moon (Printed or typed Name) 12 13 14 (Entity, if any, on whose 15 behalf you are appearing) 16 17 (Address) 18 19 (Telephone number) 20 21 22 23 24 , 25 26

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## Case 3:73-cv-00127-MMD-WGC Document 5 Filed 06/21/07 Page 21 of 59 WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS

#### TO: Susan L. Schneider, attorney for the United States of America

- 1. I acknowledge receipt of your request that I waive service of a Notice in Lieu of Summons in the action of *United States v. Walker River Irrigation District*, which is docket number In Equity C-125, Subfile C-125-B, in the United States District Court for the District of Nevada.
- 2. I have also received a copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA, the FIRST AMENDED COUNTERCLAIM OF WALKER RIVER PAIUTE TRIBE, the CASE MANAGEMENT ORDER (Apr. 18, 2000), two copies of a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE, a copy of the ORDER DISCLAIMER OF INTEREST and related form, a copy of the ORDER REGARDING CHANGES IN OWNERSHIP OF WATER RIGHTS and related form, two copies of this instrument (WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS), and a means by which I can return the signed waiver to you without cost to me.
- 3. I agree to save the cost to me of service of a Notice in Lieu of Summons and an additional copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA and the FIRST AMENDED COUNTERCLAIM OF THE WALKER RIVER PAIUTE TRIBE in this lawsuit by not requiring that I (or the entity on whose behalf I am acting) be served with judicial process in the manner provided by Rule 4 of the Federal Rules of Civil Procedure.
- 4. I understand that if I waive service of a Notice in Lieu of Summons, I must mail a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE to Susan L. Schneider, attorney for the United States, and I may use the same envelope provided for return of the waiver of service.
- 5. I (or the entity on whose behalf I am acting) will retain all defenses or objections to the lawsuit or to the jurisdiction or venue of the Court except for objections based on a defect in the Notice in Lieu of Summons or in the service of the Notice in Lieu of Summons.

Date: 9-25-06

Signature

Printed/Typed Name

If you are acting on behalf of any entity, identify that you are

acting as: ThusTee

Title

(Corporate, Trust, Partnership or other entity)

#### Duty to Avoid Unnecessary Costs of Service of Notice in Lieu of Summons

Rule 4 of the Federal Rules of Civil Procedure requires certain parties to cooperate in saving unnecessary costs of service of the Notice in Lieu of Summons and the First Amended Counterclaims. An entity (such as yourself) located in the United States who, after being notified of an action and asked by a plaintiff (here the United States and Tribe) located in the United States to waive service of a Notice in Lieu of Summons, fails to do so will be required to bear the cost of such service unless good cause be shown for its failure to sign and return the waiver.

It is not good cause for a failure to waive service that a party believes that the claims of the opposing parties are unfounded, or that the action has been brought in an improper place or in a court that lacks jurisdiction over the subject matter of the action or over its person or property. A party who waives service of the Notice in Lieu of Summons retains all defenses and objections (except any relating to the Notice in Lieu of Summons or to the service of the Notice in of Summons), and may later object to the jurisdiction of the court or to the place where the action has been brought.

#### -00127-MMD-WGC Document 5 Filed 06/21/07 Page 22 of 59 ĭ IN THE UNITED STATES DISTRICT COURT 2 FOR THE DISTRICT OF NEVADA 3 UNITED STATES OF AMERICA. 4 Plaintiff, 5 WALKER RIVER PAIUTE TRIBE. IN EQUITY NO. C-125 6 Plaintiff-Intervenor. SUBFILE NO. C-125-B 7 VS. 8 WALKER RIVER IRRIGATION DISTRICT. a corporation, et al., 9 NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE 10 11 1. I hereby enter my appearance in this sub-proceeding in this case. 12 2. I am filing this document with the District Court at the following address: 13 Chief Deputy Clerk United States District Court for the 14 District of Nevada 15 400 South Virginia Street, Suite 301 Reno, Nevada 89501 16 3. In the envelope provided for return of my Waiver of Service of Notice in Lieu of 17 Summons. I am mailing a copy of this document to: 18 Susan L. Schneider 19 Attomey for the United States of America United States Department of Justice 20 Environment & Natural Resources Division P.O. Box 756 21 Littleton, Colorado 80160 22 4. I (or the entity on whose behalf I am acting) will retain all defenses or objections to the lawsuit or to the jurisdiction or venue of the court except for objections based on a defect 23 in the Notice in Lieu of Summons or in the service of the Notice in Lieu of Summons. 24 5. 25 If I (or the entity on whose behalf I am acting) have retained an attorney to represent me in these proceedings. I identify that attorney below, along with his or her mailing address, 26 27 telephone number, and facsimile number: 28 NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE, page 1 of 2

#### cv-00127-MMD-WGC Document 5 Filed 06/21/07 Page 23 of 59 Attorney: Address: Phone Number: Fax Number: (Signature) (Printed or typed Name) Trustee HMOORE Thust (Entity, if any, on whose behalf you are appearing) (Address) Yering Ton Wer (Telephone number) 775 463 3660 2.0

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# Case 3:73-cv-00127-MMD-WGC Document 5 Filed 06/21/07 Page 24 of 59

| 1      |  |  |
|--------|--|--|
| 2      | IN THE UNITED STATES IF FOR THE DISTRICT                                   | DISTRICT COURT<br>OF NEVADA                  |
| 3      | UNITED STATES OF AMERICA,  | )  |
| 4      | Plaintiff,   |  |
| 5      | WALKER RIVER PAIUTE TRIBE,   | ) IN EQUITY NO. C-125                        |
| 6      | Plaintiff-Intervenor,  | ) SUBFILE NO. C-125-B                        |
| 7      | vs.  | )  |
| 8<br>9 | WALKER RIVER IRRIGATION DISTRICT, a corporation, et al.,                   | )<br>)<br>)                                  |
| 10     | NOTICE OF APPEARANCE AND IN  | TENT TO PARTICIPATE                          |
| 11     |  |  |
| 12     | 1. I hereby enter my appearance in this su                                 | b-proceeding in this case.                   |
| 13     | 2. I am filing this document with the Dist                                 | rict Court at the following address:         |
| 14     | Chief Deputy Clerk United States District Court for the District of Nevada |  |
| 15     | 400 South Virginia Street, Suite 301<br>Reno, Nevada 89501                 |  |
| 16     |  | ny Waiver of Service of Notice in Lieu o     |
| 17     | Summons. I am mailing a copy of this document to:                          |  |
| 18     | Susan L. Schneider   |  |
| 19     | Attorney for the United States of Amer United States Department of Justice | ica  |
| 20     | Environment & Natural Resources Div<br>P.O. Box 756                        | ision  |
| 21     | Littleton, Colorado 80160  |  |
| 22     | 4. I (or the entity on whose behalf I am ac                                | ting) will retain all defenses or objections |
| 23     | to the lawsuit or to the jurisdiction or venue of the cou                  | rt except for objections based on a defect   |
| 24     | in the Notice in Lieu of Summons or in the service of                      | the Notice in Lieu of Sununons.              |
| 25     | 5. If I (or the entity on whose behalf I am act                            | ing) have retained an attorney to represent  |
| 26     | me in these proceedings. I identify that attorney below                    | v, along with his or her mailing address,    |
| 27     | telephone number, and facsimile number:                                    |  |
| 28     |  |  |
|        | NOTICE OF APPEARANCE AND INTENT TO PART                                    | истрате, page 7 об б<br>Exhibit 101          |

# Case 3:73-cv-00127-MMD-WGC Document 5 Filed 06/21/07 Page 25 of 59

|     | il and the second secon |  |
|-----|--|--|
| . 1 | Attorney:  |  |
| 2   |  |  |
| 3   | Address:   |  |
| 4   |  |  |
| 5   |  |  |
| 6   | Phone Number:  |  |
| 7   | Fax Number:  |  |
| 8   |  | he litterpley                          |
| 9   |  | (Signature) 8/4/()(                    |
| 10  |  |  |
| 11  |  | Douglas C. Musialy                     |
| 12  |  | (Printed or typed Name)                |
| 13  |  | MURPHY REVOCABLE TRUST - DATED 7/22/98 |
| 14  |  | (Entity, if any, on whose              |
| 15  |  | behalf you are appearing)              |
| 16  |  | 17 GRAND MEN LA                        |
| 17  |  | WELLINGTON NV. 89444<br>(Address)      |
| 18  |  | ·                                      |
| 20  | ·  | (Telephone number)                     |
| 21  |  |  |
| 22  |  |  |
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## Case 3:73-cv-00127-MMD-WGC Document 5 Filed 06/21/07 Page 26 of 59

## WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS

## TO: Susan L. Schneider, attorney for the United States of America

- 1. I acknowledge receipt of your request that I waive service of a Notice in Lieu of Summons in the action of *United States v. Walker River Irrigation District*, which is docket number In Equity C-125, Subfile C-125-B, in the United States District Court for the District of Nevada.
- 2. I have also received a copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA, the FIRST AMENDED COUNTERCLAIM OF WALKER RIVER PAILITE TRIBE, the CASE MANAGEMENT ORDER (Apr. 18, 2000), two copies of a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE, a copy of the ORDER DISCLAIMER OF INTEREST and related form, a copy of the ORDER REGARDING CHANGES IN OWNERSHIP OF WATER RIGHTS and related form, two copies of this instrument (WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS), and a means by which I can return the signed waiver to you without cost to me.
- 3. I agree to save the cost to me of service of a Notice in Lieu of Summons and an additional copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA and the FIRST AMENDED COUNTERCLAIM OF THE WALKER RIVER PAIUTE TRIBE in this lawsuit by not requiring that I (or the entity on whose behalf I am acting) be served with judicial process in the manner provided by Rule 4 of the Federal Rules of Civil Procedure.
- 4. I understand that if I waive service of a Notice in Lieu of Summons, I must mail a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE to Susan L. Schneider, attorney for the United States, and I may use the same envelope provided for return of the waiver of service.
- 5. I (or the entity on whose behalf I am acting) will retain all defenses or objections to the lawsuit or to the jurisdiction or venue of the Court except for objections based on a defect in the Notice in Lieu of Summons or in the service of the Notice in Lieu of Summons.

Date: 7-23-06

Signature

Printed/Typed Name

If you are acting on behalf of any entity, identify that you are acting as:

(Title)

The Robb A Trust, Partnership or other entity)

#### Duty to Avoid Unnecessary Costs of Service of Notice in Lieu of Summons

Rule 4 of the Federal Rules of Civil Procedure requires certain parties to cooperate in saving unnecessary costs of service of the Notice in Lieu of Summons and the First Amended Counterclaims. An entity (such as yourself) located in the United States who, after being notified of an action and asked by a plaintiff (here the United States and Tribe) located in the United States to waive service of a Notice in Lieu of Summons, fails to do so will be required to bear the cost of such service unless good cause be shown for its failure to sign and return the waiver.

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# Case 3:73-cv-00127-MMD-WGC Document 5 Filed 06/21/07 Page 27 of 59 WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS

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Date: 1-35-07

Signature

Linda J. Pangourn

Printed/Typed Name

If you are acting on behalf of any entity, identify that you are acting as:

(Title)

(Corporate, Trust, Partnership or other entity)

Duty to Avoid Unnecessary Costs of Service of Notice in Lieu of Summons

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### Case 3:73-cv-00127-MMD-WGC Document 5 Filed 06/21/07 Page 28 of 59

## WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS

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#### Case 3:73-cv-00127-MMD-WGC Document 5 Filed 06/21/07 Page 29 of 59

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Date: 0/-12-07

Signature

Stephen Phino 20

Printed/Typed Name
If you are acting on behalf of any entity, identify that you are acting as:

(Title)

(Corporate, Trust, Partnership or other entity)

Duty to Avoid Unnecessary Costs of Service of Notice in Lieu of Summons

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#### Case 3:73-cv-00127-MMD-WGC Document 5 Filed 06/21/07 Page 30 of 59

## WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS

#### TO: Susan L. Schneider, attorney for the United States of America

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| 5. I (or the entity on whose behalf I am acting) will retain all defenses or objections to the laws:       | uit |
|--|-----|
| or to the jurisdiction or venue of the Court except for objections based on a defect in the Notice in Lieu | of  |
| Summons or in the service of the Notice in Lieu of Summons.  | -   |

Date:  $\frac{7}{25} = 6$ 

Signature

Michael Pleck

Printed/Typed Name

If you are acting on behalf of any entity, identify that you are acting as:

(Title)

(Corporate, Trust, Partnership or other entity)

#### Duty to Avoid Unnecessary Costs of Service of Notice in Lieu of Summons

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### Case 3:73-cv-00127-MMD-WGC Document 5 Filed 06/21/07 Page 31 of 59

#### WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS

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- 3. I agree to save the cost to me of service of a Notice in Lieu of Summons and an additional copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA and the FIRST AMENDED COUNTERCLAIM OF THE WALKER RIVER PAIUTE TRIBE in this lawsuit by not requiring that I (or the entity on whose behalf I am acting) be served with judicial process in the manner provided by Rule 4 of the Federal Rules of Civil Procedure.
- 4. I understand that if I waive service of a Notice in Lieu of Summons, I must mail a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE to Susan L. Schneider, attorney for the United States, and I may use the same envelope provided for return of the waiver of service.
- 5. I (or the entity on whose behalf I am acting) will retain all defenses or objections to the lawsuit or to the jurisdiction or venue of the Court except for objections based on a defect in the Notice in Lieu of Summons or in the service of the Notice in Lieu of Summons.

Signature

WAYNE A. PEDERSON

Printed/Typed Name

If you are acting on behalf of any entity, identify that you are acting as:

(Title)

(Corporate, Trust, Partnership or other entity)

#### Duty to Avoid Unnecessary Costs of Service of Notice in Lieu of Summons

Rule 4 of the Federal Rules of Civil Procedure requires certain parties to cooperate in saving unnecessary costs of service of the Notice in Lieu of Summons and the First Amended Counterclaims. An entity (such as yourself) located in the United States who, after being notified of an action and asked by a plaintiff (here the United States and Tribe) located in the United States to waive service of a Notice in Lieu of Summons, fails to do so will be required to bear the cost of such service unless good cause be shown for its failure to sign and return the waiver.

It is not good cause for a failure to waive service that a party believes that the claims of the opposing parties are unfounded, or that the action has been brought in an improper place or in a court that lacks jurisdiction over the subject matter of the action or over its person or property. A party who waives service of Notice in Lieu of Summons retains all defenses and objections (except any relating to the Notice in Lieu of Summons or to the service of the Notice in Summons), and may later object to the jurisdiction of the court or to the place where the action has been brought.

# Case 3:73 cv-00127-MMD-WGC Document 5 Filed 06/21/07 Page 32 of 59

| . 1      | l .   |
|----------|---|
| 2        | IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEVADA                                      |
| 3        | UNITED STATES OF AMERICA,   |
| 4<br>5   | Plaintiff,  |
| 6        | WALKER RIVER PAIUTE TRIBE,   IN EQUITY NO. C-125  |
| 7        | Plaintiff-Intervenor, SUBFILE NO. C-125-B   |
| 8        | vs.   |
| 9        | WALKER RIVER IRRIGATION DISTRICT,  a corporation, et al.,  )  |
| 10       | NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE  |
| 11       | <ol> <li>I hereby enter my appearance in this sub-proceeding in this case.</li> </ol>               |
| 12       | 2. I am filing this document with the District Court at the following address:                      |
| 13       | Chief Deputy Clerk  |
| 14<br>15 | United States District Court for the District of Nevada   |
| 16       | 400 South Virginia Street, Suite 301<br>Reno, Nevada 89501  |
| 17       | 3. In the envelope provided for return of my Waiver of Service of Notice in Lieu of                 |
| 18       | Summons. I am mailing a copy of this document to:   |
| 19       | Susan L. Schneider<br>Attomev for the United States of America                                      |
| 20       | United States Department of Justice Environment & Natural Resources Division                        |
| 21       | P.O. Box 756<br>Littleton, Colorado 80160   |
| 22       | 4. I (or the entity on whose behalf I am acting) will retain all defenses or objections             |
| 23       | to the lawsuit or to the jurisdiction or venue of the court except for objections based on a defect |
| 24       | in the Notice in Lieu of Summons or in the service of the Notice in Lieu of Summons.                |
| 25       | 5. If I (or the entity on whose behalf I am acting) have retained an attorney to represent          |
| 26       | me in these proceedings. I identify that attorney below, along with his or her mailing address,     |
| 27       | telephone number, and facsimile number:   |
| 28       |   |
|          | NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE, page 1 of 2   |

### Case 3:7\$-cv-00127-MMD-WGC Document 5 Filed 06/21/07 Page 33 of 59 Attorney: Address: Phone Number: Fax Number: (Signature) (Printed or typed Name) (Entity, if any, on whose behalf you are appearing) (Address) (Telephone number)

#### TO: Susan L. Schneider, attorney for the United States of America

- 1. I acknowledge receipt of your request that I waive service of a Notice in Lieu of Summons in the action of United States v. Walker River Irrigation District, which is docket number In Equity C-125, Subfile C-125-B, in the United States District Court for the District of Nevada.
- 2. I have also received a copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA, the FIRST AMENDED COUNTERCLAIM OF WALKER RIVER PAIUTE TRIBE, the CASE MANAGEMENT ORDER (Apr. 18, 2000), two copies of a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE, a copy of the ORDER - DISCLAIMER OF INTEREST and related form, a copy of the ORDER REGARDING CHANGES IN OWNERSHIP OF WATER RIGHTS and related form, two copies of this instrument (WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS), and a means by which I can return the signed waiver to you without cost to me.
- 3. I agree to save the cost to me of service of a Notice in Lieu of Summons and an additional copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA and the FIRST AMENDED COUNTERCLAIM OF THE WALKER RIVER PAIUTE TRIBE in this lawsuit by not requiring that I (or the entity on whose behalf I am acting) be served with judicial process in the manner provided by Rule 4 of the Federal Rules of Civil Procedure.
- 4. I understand that if I waive service of a Notice in Lieu of Summons, I must mail a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE to Susan L. Schneider, attorney for the United States, and I may use the same envelope provided for return of the waiver of service.
- 5. I (or the entity on whose behalf I am acting) will retain all defenses or objections to the lawsuit or to the jurisdiction or venue of the Court except for objections based on a defect in the Notice in Lieu of Summons or in the service of the Notice in Lieu of Summons.

Date: 3/14/07

If you are acting on behalf of any entity, identify that you are acting as: Trustee of the

Carol Louise Perkins Family Trust

#### Duty to Avoid Unnecessary Costs of Service of Notice in Lieu of Summons

Rule 4 of the Federal Rules of Civil Procedure requires certain parties to cooperate in saving unnecessary costs of service of the Notice in Lieu of Summons and the First Amended Counterclaims. An entity (such as yourself) located in the United States who, after being notified of an action and asked by a plaintiff (here the United States and Tribe) located in the United States to waive service of a Notice in Lieu of Summons, fails to do so will be required to bear the cost of such service unless good cause be shown for its failure to sign and return the waiver.

It is not good cause for a failure to waive service that a party believes that the claims of the opposing parties are unfounded, or that the action has been brought in an improper place or in a court that lacks jurisdiction over the subject matter of the action or over its person or property. A party who waives service Notice in Lieu of Summons retains all defenses and objections (except any relating to the Notice in Lieu of Summons or to the service of the Notice in Lieu of Summons), and may later object to the jurisdiction of the court or to the place where the action has been brought.

# Case 3:73-cv-00127-MMD-WGC Document 5 Filed 06/21/07 Page 35 of 59 WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS

## TO: Susan L. Schneider, attorney for the United States of America

- 1. I acknowledge receipt of your request that I waive service of a Notice in Lieu of Summons in the action of *United States v. Walker River Irrigation District*, which is docket number In Equity C-125, Subfile C-125-B, in the United States District Court for the District of Nevada.
- 2. I have also received a copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA, the FIRST AMENDED COUNTERCLAIM OF WALKER RIVER PAIUTE TRIBE, the CASE MANAGEMENT ORDER (Apr. 18, 2000), two copies of a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE, a copy of the ORDER DISCLAIMER OF INTEREST and related form, a copy of the ORDER REGARDING CHANGES IN OWNERSHIP OF WATER RIGHTS and related form, two copies of this instrument (WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS), and a means by which I can return the signed waiver to you without cost to me.
- 3. I agree to save the cost to me of service of a Notice in Lieu of Summons and an additional copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA and the FIRST AMENDED COUNTERCLAIM OF THE WALKER RIVER PAIUTE TRIBE in this lawsuit by not requiring that I (or the entity on whose behalf I am acting) be served with judicial process in the manner provided by Rule 4 of the Federal Rules of Civil Procedure.
- 4. I understand that if I waive service of a Notice in Lieu of Summons, I must mail a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE to Susan L. Schneider, attorney for the United States, and I may use the same envelope provided for return of the waiver of service.

| 5. I (or the entity on whose behalf I am acting) will retain all defenses or objections to the lawsui   | : .     |
|---|---------|
| or to the jurisdiction or venue of the Court except for objections based on a defect in the Notice in Lieux   | ll<br>L |
| or to the jurisdiction or venue of the Court except for objections based on a defect in the Notice in Lieu of Summons or in the service of the Notice in Lieu of Summons. | ) [     |

Date: 7 27 08

Signature

Printed/Typed Name
If you are acting on behalf of any entity, identify that you are acting as:

(Title)

(Corporate, Trust, Partnership or other entity)

#### Duty to Avoid Unnecessary Costs of Service of Notice in Lieu of Summons

Rule 4 of the Federal Rules of Civil Procedure requires certain parties to cooperate in saving unnecessary costs of service of the Notice in Lieu of Summons and the First Amended Counterclaims. An entity (such as yourself) located in the United States who, after being notified of an action and asked by a plaintiff (here the United States and Tribe) located in the United States to waive service of a Notice in Lieu of Summons, fails to do so will be required to bear the cost of such service unless good cause be shown for its failure to sign and return the waiver.

It is not good cause for a failure to waive service that a party believes that the claims of the opposing parties are unfounded, or that the action has been brought in an improper place or in a court that lacks jurisdiction over the subject matter of the action or over its person or property. A party who waives service in Lieu of Summons retains all defenses and objections (except any relating to the Notice in Lieu of Summons or to the service of the Notice in of Summons), and may later object to the jurisdiction of the court or to the place where the action has been brought.

# Case 3:73-cv-00127-MMD-WGC Document 5 Filed 06/21/07 Page 36 of 59

1 2 IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEVADA 3 UNITED STATES OF AMERICA. 4 Plaintiff. 5 WALKER RIVER PAIUTE TRIBE, IN EQUITY NO. C-125 6 Plaintiff-Intervenor, SUBFILE NO. C-125-B 7 VS. 8 WALKER RIVER IRRIGATION DISTRICT, 9 a corporation, et al., NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE 10 11 I hereby enter my appearance in this sub-proceeding in this case. l. 12 I am filing this document with the District Court at the following address: 2. 13 Chief Deputy Clerk 14 United States District Court for the District of Nevada 15 400 South Virginia Street, Suite 301 Reno, Nevada 89501 16 3. In the envelope provided for return of my Waiver of Service of Notice in Lieu of 17 Summons, I am mailing a copy of this document to: 18 Susan L. Schneider Attorney for the United States of America 19 United States Department of Justice Environment & Natural Resources Division 20 P.O. Box 756 21 Littleton, Colorado 80160 I (or the entity on whose behalf I am acting) will retain all defenses or objections 22 to the lawsuit or to the jurisdiction or venue of the court except for objections based on a defect 23 in the Notice in Lieu of Summons or in the service of the Notice in Lieu of Summons. 24 If I (or the entity on whose behalf I am acting) have retained an attorney to represent 25 5. me in these proceedings, I identify that attorney below, along with his or her mailing address, 26 telephone number, and facsimile number: 28

## cv-00127-MMD-WGC Document 5 Filed 06/21/07 Page 37 of 59 Address: Phone Number: Fax Number: (Printed or typed Name) (Entity, if any, on whose behalf you are appearing) (Address) (Telephone number)

NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE, page 2 of 2

RENO NV 895

16 FEB 2007 PM 2 T

Share J. Colonieles Atomy Jos 115 A

Ms. Rosemary Petersen 19 Andes Ln. Yerington, NV 89447-9420

SECONDARY (VINSBILD COMMENTAL COMPANION COMPAN

# Case 3:73 cv-00127-MMD-WGC Document 5 Filed 06/21/07 Page 39 of 59

| 1   |   |   |  |  |  |  |  |
|-----|---|---|--|--|--|--|--|
| 2   | FOR THE DISTRICT O  | STRICT COURT<br>F NEVADA                  |  |  |  |  |  |
| 3   | UNITED STATES OF AMERICA, )   | 1.  |  |  |  |  |  |
| 4   | Plaintiff, )  |   |  |  |  |  |  |
| 5   | WALKER RIVER PAIUTE TRIBE, )  | IN EQUITY NO. C-125                       |  |  |  |  |  |
| 6   | Plaintiff-Intervenor, )   | SUBFILE NO. C-125-B                       |  |  |  |  |  |
| 7   | vs. )   |   |  |  |  |  |  |
|     | WALKER RIVER IRRIGATION DISTRICT, ) a corporation, et al.,                                      |   |  |  |  |  |  |
| 10  | NOTICE OF APPEARANCE AND INT  | ENT TO PARTICIPATE                        |  |  |  |  |  |
| 11  | I hereby enter my appearance in this sub-   | proceeding in this case.                  |  |  |  |  |  |
| 12  | 2. I am filing this document with the Distric   |   |  |  |  |  |  |
| 14  | Chief Deputy Clerk United States District Court for the   |   |  |  |  |  |  |
| 15  | District of Nevada<br>400 South Virginia Street, Suite 301<br>Reno, Nevada 89501                |   |  |  |  |  |  |
| 16  | 3. In the envelope provided for return of my Waiver of Service of Notice in Lieu of             |   |  |  |  |  |  |
| 17  | Summons, I am mailing a copy of this document to:   |   |  |  |  |  |  |
| 18  | Susan L. Schneider  |   |  |  |  |  |  |
| 19  | Attorney for the United States of America United States Department of Justice                   | ı   |  |  |  |  |  |
| .20 | Environment & Natural Resources Division P.O. Box 756   | on  |  |  |  |  |  |
| 21  | Littleton, Colorado 80160   |   |  |  |  |  |  |
| 22  | 4. I (or the entity on whose behalf I am actin  | g) will retain all defenses or objections |  |  |  |  |  |
| 23  | to the lawsuit or to the jurisdiction or venue of the court                                     | except for objections based on a defect   |  |  |  |  |  |
| 24  | in the Notice in Lieu of Summons or in the service of the Notice in Lieu of Summons.            |   |  |  |  |  |  |
| 25  | 5. If I (or the entity on whose behalf I am acting  | ) have retained an attorney to represent  |  |  |  |  |  |
| 26  | me in these proceedings. I identify that attorney below, along with his or her mailing address, |   |  |  |  |  |  |
| 27  | telephone number, and facsimile number.   |   |  |  |  |  |  |
| 28. |   |   |  |  |  |  |  |

NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE, page 1 of 2

Exhibit 111

### Case 3:73 cv-00127-MMD-WGC Document 5 Filed 06/21/07 Page 40 of 59 Attorney: None Address: Phone Number: Fax Number: Gordon m Rugh (Signature) (Printed or typed Name) Not Applicable (Entity, if any, on whose behalf you are appearing) 35 LOCUST Dr (Address) Yerington NV 8944 775-741-3081 (Telephone number)

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# Case 3:73-cv-00127-MMD-WGC Document 5 Filed 06/21/07 Page 41 of 59

| . 3                | <b>5 ∦</b> •  | •                                 |  |
|--------------------|---|-----------------------------------|--|
|                    |   |                                   |  |
| 4                  |   | •                                 | `. <u>.</u>                            |
| 5                  |   |                                   | :                                      |
|                    | IN THE UNITED STA                                     | TES DISTRICT COURT                |  |
| 6                  | EOD THE Diam  |                                   |  |
|                    | FOR THE DISTI   | RICT OF NEVADA                    |  |
| 7                  |   |                                   |  |
| .8                 | UNITED STATES OF AMERICA,                             | <b>)</b>                          |  |
| ,                  |   | j                                 |  |
| 9                  | Plaintiff,  | ) In Equity No. C-125-ECR         | 1 -                                    |
|                    | WALVED DIVER DANGED TO                                | ) Subfile No. C-125-B             | -                                      |
| 10                 | WALKER RIVER PAIUTE TRIBE,                            | )                                 |  |
|                    | Plaintiff-Intervenor,                                 | ) NOTICE OF CHANGE OF             | <b>č</b>                               |
| 11                 | Tammi-miervemor,                                      | OWNERSHIP OF WATER                | RIGHT                                  |
| 12                 | v.  | )<br>)                            | •                                      |
|                    |   | ,                                 | •                                      |
| 13                 | WALKER RIVER IRRIGATION DISTRICT.                     | <del>-</del>                      |  |
| 14.                | a corporation, et al.,                                |                                   | <del>-</del>                           |
| , <del>, ,</del> , | )<br>Defendants )                                     |                                   |  |
| 15                 | Determants.   |                                   |  |
|                    |   |                                   | -                                      |
| 16                 |   | •                                 | -3                                     |
| 17                 | The undersigned counter-defendant in the              | above action hereby notifies the  | Court and the                          |
|                    | United States that the undersigned (or the anti-      |                                   | Court mid the                          |
| 18                 | United States that the undersigned (or the entity     | on whose behalf the undersigned   | his acting) has                        |
| 19                 | sold or otherwise conveyed ownership of all or a      | portion of a water right within o | one or more of                         |
| 19                 | the categories set forth in Paragraph 3 of the Case   | NACCE OF STREET                   |  |
| 20                 |   | e ivranagement Order and provid   | es the                                 |
| 1                  | following information:                                |                                   | 1                                      |
| 21                 |   |                                   | ÷                                      |
| 22                 |   |                                   |  |
|                    | <ol> <li>The name and address of the party</li> </ol> | or parties who sold or otherwise  | e conveyed                             |
| 23                 | ownership: No Transact                                | <del></del>                       | 4 <del></del>                          |
|                    | ownership: No transcations of                         | of property or h                  | raer                                   |
| 24-                | rights has taken place s                              | ince I acquired                   | property                               |
| 25 ∦               | Name(s  | in December.                      | 2007-                                  |
| _ ∥                |   |                                   |  |
| 6                  | Street or P.C   | ). Box Sordon M.                  | Pargh                                  |
| <b>.</b>           | Sureet of P.C   | , BOX                             | 0                                      |
| 7                  |   |                                   |  |
| , ,                | NOTICE OF CULVION CONT.                               |                                   | ************************************** |

| Case 3    | :7 <mark>8-cv-00127-</mark> | MMD-WGC Do   | cument 5 File         | ed <b>06/2</b> 4/07 | Page 42 of 59       |
|-----------|-----------------------------|--|-----------------------|---------------------|---------------------|
|           | 3. 2. T                     | he name and address o                                  | f each person or e    | ntity who acquire   | ed ownership        |
|           | 4 <u>.</u><br>5             |  | Name(s)               | Not.                | applicable.         |
|           | 6                           |  | Street or P.O. Box    |                     |                     |
|           | 7                           | Town or City   | State                 | ZipCode             | ,                   |
|           | 3. A1                       | ttached to or included a                               | vijeh skil            |                     |                     |
| . ģ       | box(es)):                   | ttached to or included a                               | with this houce is a  | a copy of the (che  | eck appropriate     |
| 10        | q · · · ·                   |  |                       |                     |                     |
| 11        |                             | ☐ Deed ☐ Count Order                                   |                       | Not                 | applicable          |
| 12        |                             | Other Docum  |                       |                     |                     |
| 13        | by which the chan           | nge in ownership was a                                 |                       |                     |                     |
| 14        | 11 -                        | e mugerziweg acknow.                                   | •                     | son or entity who   | files a Notice of   |
| 15        | Change of Owners            | ship of Water Right usi                                | ing this form is ult  | imately responsi    | alé for the semi-   |
| 16        | of this filing. Con         | sequently, the undersig                                | gned acknowledge      | s that any person   | or entity who files |
| 17,       |                             |  |                       |                     |                     |
| 18        |                             | · .  |                       | Not oup             | olicable.           |
| 19<br>20  | *                           | This notice shall be                                   |                       | g two persons:      |                     |
| 21        | Unit                        | la Lea Sharer, Chief Dep<br>ed States District Court I | for the District of N | evada               |                     |
| <u>22</u> | Reno                        | South Virginia Street, St<br>o, NV 89501               | rite 30]              |                     |                     |
| 25        | And                         |  |                       |                     |                     |
| 24        |                             | n L. Schneider<br>ed States Department of .            | Instice               |                     |                     |
| 25        | P.O.                        | Box 756<br>eton, CO 80160                              |                       |                     |                     |
| 26        |                             |  |                       | ŧ                   |                     |
| 27        |                             |  |                       |                     |                     |
| 28        | NOTICE OF CHANG             | E OF WATER RIGHTS (                                    | )WNFRSHTD             | 1ea                 |                     |
|           | -                           |  | , page                | C 10 2              |                     |

such a notice, but retains such water rights, shall nevertheless, be bound by the results of this Case 3?73 in Case 43 of 59

Executed this 23 day of March 200 7

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25

26

27

Hollen M. Pugl. [signature of counter-defendant]

GORDON M. PUGA

[name of counter-defendant]

[signature, if applicable, of person acting on behalf of counter-defendant]

NA.

[name, if applicable, of person acting on behalf of counter-defendant]

> 35 Locust Dr. Yerington NV 89417 [address]

> > [telephone number]

775-741-3081

NOTICE OF CHANGE OF WATER RIGHTS OW

## Case 3:73-cv-00127-MMD-WGC Document 5 Filed 06/21/07 Page 44 of 59

3 IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEVADA UNITED STATES OF AMERICA, ,5 6 Plaintiff, In Equity No. C-125-ECR Subfile No. C-125-B WALKER RIVER PAIUTE TRIBE, DISCLAIMER OF INTEREST IN Plaintiff-Intervenor, WATER RIGHTS AND NOTICE OF 9 RELATED INFORMATION AND DOCUMENTATION SUPPORTING 10 DISCLAIMER WALKER RIVER IRRIGATION 11 DISTRICT, a corporation, et al., 12 13 Defendants. 14 15 The undersigned counter-defendant in the above action hereby notifies the Court and the 16 United States that the undersigned (or the entity on whose behalf the undersigned is acting) has 17 no interest in any water right within the categories set forth in Paragraph 3 of the Case 18 Management Order (Apr. 18, 2000) and, therefore, disclaims all interest in this action. 19 This disclaimer and notice shall be sent to the following two persons: 20 Linda Lea Sharer, Chief Deputy Clerk 21 United States District Court for the District of Nevada 22 400 South Virginia Street, Suite 301 Reno, NV 89501 23 And 24 Susan L. Schneider 25 United States Department of Justice 26 P.O. Box 756 Littleton, CO 80160 27 In addition, because the undersigned sold or otherwise conveyed ownership of all of the 28 DISCLAIMER OF WATER RIGHTS AND NOTICE OF RELATED INFORMATION, page 1 of 4

| Case | 3:73   | 3-cv-00127-MMD-WGC Document 5 Filed 06/21/07 Page 45 of 59 water rights that the undersigned (or the entity on whose behalf the undersigned is acting) of |
|------|--------|---|
| •    |        | owned before the undersigned was served with a W.   |
|      | • •    | owned before the undersigned was served with a Waiver of Service of Notice in Lieu of   |
|      |        | Summons or by a Notice in Lieu of Summons, the undersigned provides the following additional information:   |
|      |        | 1. The name and address of the party or parties who sold or otherwise conveyed  |
|      | . 6    | ownership: I bought the property in Dec. 1993 a   |
|      |        | Name(s): been sold since then Additionally I hav-   |
|      |        | no water rights to sell.  |
| .•   | 1.0    | Street of P.O. Box:  Street of P.O. Box:  March 23, 2004  |
|      | 11     | march 23, 2007  |
|      | 12     | Town or City:   |
|      | 1.3    |   |
|      | 14     | State:  |
|      | . 15   |   |
|      | 16     | Zip Code:   |
|      | <br>17 | 2. The name and address of each person or entity who acquired ownership   |
|      | 18     | , and addited ownership   |
|      | 19.    | Name(s): Nobody acquired well or water  |
|      | 20     | rights from me.   |
|      | 21     | Da don m Rugh   |
| ٠.   | 22     | Street or P.O. Box:  March 23, 2007   |
|      | 23     |   |
| *    | 24     | Town or City:   |
|      | 25     |   |
|      | - 1    | State:  |
| ·.   | 26     |   |
| ٠.   | 27     | Zip Code:   |
|      | 28     |   |
| •    |        | DISCLAIMER OF WATER RIGHTS AND NOTICE OF RELATED INFORMATION, page 2 of 4   |
|      |        | James 2 of 4  |

### Case 3:73-cv-00127-MMD-WGC Document 5 Filed 06/21/07 Page 46 of 59 2 Attached to or included with this notice is a copy of the (check appropriate 3 box(es)): 5 Deed 6 Not applicable. Court Order 7 Other Document. 8 9 by which the change in ownership was accomplished. 10 The undersigned acknowledges that any person or entity who files a Disclaimer 11 of Interest in this matter is ultimately responsible for the accuracy of this filing. Consequently, 12 the undersigned acknowledges that any person or entity who files a Disclaimer of Interest, but, 13 in fact, has water rights subject to this litigation, shall nevertheless be bound by the results of 14 this litigation. 12:5 16 Executed this 23 day of March 200 7. 18 19 20 21 Gordon M. Pugh 22 [signature of counter-defendant] 23 24 25 GORDON M. PUGH 26 [name of counter-defendant] 27 28

DISCLAIMER OF WATER RIGHTS AND NOTICE OF RELATED INFORMATION, page 3 of 4

# Case 3:73-cv-00127-MMD-WGC Document 5 Filed 06/21/07 Page 47 of 59

Not applicable

[name, if applicable, of person acting on behalf of counter-defendant]

[signature, if applicable, of person acting on behalf of Counter-Defendant]

[address]

[telephone number]

Hordon M. Rugh march 23, 2007

DISCLAIMER OF WATER RIGHTS AND NOTICE OF RELATED INFORMATION, page 4 of 4

### Case 3:73-cv-00127-MMD-WGC Document 5 Filed 06/21/07 Page 48 of 59 IN THE UNITED STATES DISTRICT COURT 6 FOR THE DISTRICT OF NEVADA 7 UNITED STATES OF AMERICA, 8 Plaintiff. In Equity No. C-125-ECR Subfile No. C-125-B WALKER RIVER PAIUTE TRIBE, NOTICE OF CHANGE OF Plaintiff-Intervenor. OWNERSHIP OF WATER RIGHT 11 12 WALKER RIVER IRRIGATION DISTRICT. 13 a corporation, et al., 14 Defendants. 15 16 The undersigned counter-defendant in the above action hereby notifies the Court and the 17 United States that the undersigned (or the entity on whose behalf the undersigned is acting) has 18 sold or otherwise conveyed ownership of all or a portion of a water right within one or more of 19 the categories set forth in Paragraph 3 of the Case Management Order and provides the 20 following information: 21 22 The name and address of the party or parties who sold or otherwise conveyed 23 ownership: 24 25 26 27

NOTICE OF CHANGE OF WATER RIGHTS OWNERSHIP, page 1 of 3

Exhibit 112

| Case 3: | 73-cv-00 <sup>2</sup> | 127-MMD-WG(                                   | <u>م</u> .                            | nt 5 Filed                   | 06/21/07 F        | Page 49 of 5  |
|---------|-----------------------|---|---------------------------------------|------------------------------|-------------------|---------------|
| 3       | 2.                    | The name and add                              | dress of each pe                      | erson or entity              | •                 | wnership      |
| 5       | DONNA                 | HULSTROM<br>HULSTROM                          | DHAN Street or I                      | r(s)<br>IENIGNO<br>A BENIGNO | 3) PHILL<br>KARE  | LINGANEWISH   |
|         |                       |   | _                                     | TTACHME                      | WT)               |               |
| ,       | ·                     | Town or (                                     | City S                                | tate                         | ZipCode           |               |
| 8       | 3.                    | Attached to or inc                            | luded with this                       | notice is a cop              | by of the (check  | appropriate   |
| 9       | box(es)):             | -   |                                       |                              |                   | •             |
| 10      |                       | Dee Dee                                       | : <b>d</b> .                          |                              |                   |               |
| 11      |                       | ☐ Cou   | n Order                               |                              |                   |               |
| 12      |                       |   | er Document.                          | ·                            | ·                 |               |
| 13      | by which the          | e change in ownership                         | _                                     |                              |                   | · ÷           |
| 14      | Change of C           | The undersigned a                             |                                       |                              |                   |               |
| 15      | 1                     | Ownership of Water R<br>Consequently, the u   | •                                     |                              |                   | · ·           |
| 16      |                       |   |                                       | ,                            | it mily poison of | chary who mes |
| 17.     |                       |   |                                       | ٠                            |                   |               |
| 18      |                       |   |                                       |                              | •                 |               |
| 19      | *                     | This notice s                                 | hall be sent to th                    | e following two              | o persons:        |               |
| 20      | , •                   | Linda Lea Sharer, Cl<br>United States Distric | nief Deputy Cler<br>t Court for the D | k<br>Vistrict of Nevac       | la                |               |
| 22      |                       | 400 South Virginia S<br>Reno, NV 89501        | treet. Suite 301                      |                              |                   |               |
| . 23    | ÷                     | <u>And</u>                                    |                                       |                              |                   |               |
| 24      | •                     | Susan L. Schneider                            |                                       |                              | ,                 |               |
| 25      |                       | United States Departs<br>P.O. Box 756         |                                       | •                            |                   |               |
| 26      |                       | Littleton, CO 80160                           |                                       | -                            |                   | .             |
| Î       | . :                   |   |                                       |                              |                   |               |
| 27      |                       |   |                                       |                              | -                 |               |
| 28      | NOTICE OF C           | HANGE OF WATER R                              | IGHTS OWNER                           | SHIP, page 2 of              | 3                 |               |

| Case 3:7 | Brick 2010162 75 aMA | IDs WCGCatQ | <del>ชิลิทเมย</del> าเ | th.5v.Filleds.06/201/07v.Pag                              | ge 50 of 59        |
|----------|----------------------|-------------|------------------------|---|--------------------|
| 2        | litigation.          | •           |                        |   |                    |
| 3        |                      |             |                        |   |                    |
| . 4      | Executed this        | 87# day of  | DEC.                   | 200 <u>_</u> 6.   | ·                  |
| 5        |                      |             | ·                      |   |                    |
| . 6      |                      |             | •                      | Qual R  | G G G V-           |
| 7        |                      |             | . ,                    | STA STAN  | 201                |
| 8.       |                      | ·           |                        | [signature of counter-de                                  | fendant]           |
| 9        |                      |             |                        | •   |                    |
| 10       |                      |             | ,                      | LESCIE A RAC  | SAN                |
| 11       |                      |             |                        | LESCIE A RAC<br>STEVEN H. RAC<br>[name of counter-defer   | SMM) adant]        |
| 12       |                      |             | ,                      |   |                    |
| . 13     |                      |             |                        | [signature, if applicable, of per                         | son acting on      |
| 14       |                      | -<br>-      |                        | behalf of counter-defer                                   | idant]             |
| 15       |                      |             |                        |   |                    |
| 16       |                      | •           |                        | Iname if applicable of page                               |                    |
| 17       |                      |             |                        | [name, if applicable, of perso<br>behalf of counter-defen | n acting on idant] |
| 18       |                      |             |                        | ·   |                    |
| 19       |                      |             |                        |   | ٠                  |
| 20       |                      |             |                        |   |                    |
| 21       |                      |             |                        | [address]   |                    |
| 22       |                      | , .         |                        | [telephone number]  |                    |
| 23       |                      |             |                        | [w-opnono namoon]   | ,                  |
|          |                      |             | ٠                      |   |                    |
| 24       |                      |             |                        |   |                    |
| 25   -   |                      | <del></del> | •                      |   | ,                  |
| 26       |                      |             |                        |   |                    |
| 27       |                      |             |                        |   |                    |
| 28 N     | OTICE OF CHANGE OF   | WATER RIGHT | S OWNERS               | HIP, page 3 of 3  |                    |

# Case 5473 Qualitation of 59

- GENE E. HULSTROM
  NONNA HULSTROM
  711 N. LYON AV.
  SAN JACINTO, CA. 92582
- DIE BENIGNO
  PHANA BENIGNO
  16 YELLOW SAGE DR.
  WELLINGTON NV. 89444
- (3) PHILLIP GANGWISH
  KAREN GANGWISH
  23 YELLOW SAGE DR.
  WELLINGTON NV. 89444

# Case 3:73-cv-00127-MMD-WGC Document 5 Filed 06/21/07 Page 52 of 59

(Not Compared to Original)

09/27/2004

63:59 PM

Official

Record

Requested By PHILLIP GANGWISH

Lyon County - NV Mary C. Milligan - Recorder

RECORDING REQUESTED BY:

A.P.N. 10-741-15 / 09-131-11

. 4

MAIL TAX STATEMENTS AND WHEN RECORDED, MAIL TO:
Phillip Gangwish and Karen Gangwish
23 Yellow Sage Drive
WELLINGTON, WV 89444

THIS SPACE FOR RECORDER'S USE ONLY

The undersigned grantor(s) declare(s):

Documentary transfer tax is \$15.60, computed on full value of property conveyed.

#### WATER RIGHTS DEED

That Steven H. Ragan and Leslie A. Ragan, Husband and Wife in consideration of \$10.00 Dollars, the receipt of which is hereby acknowledged, do(es) hereby Grant, Bargain, Sell and Convey to Phillip Gangwish and Karen Gangwish, Husband and Wife as Joint Tenants, 2 ACRE FEET OF WATER RIGHTS

<u>UNDER PERMIT NO. 53907</u> currently serving all that certain real property in the County of Lyon, State of Nevada, bounded and described as follows:

All that certain real property being a portion of SW ¼ of SE ¼ of Section 7, T 10 N, R 24 E, M.D.B.&M., Lyon County, Nevada described as follows:

Parcel No. 1 as shown on the Parcel Map for William M. Weaver, Jr., recorded in the Official Records of Lyon County, Nevada on July 7, 1987 as Document No. 108743.

THE WATER IS TO BE DIVERTED AND USED FOR THE GRANTEES BENEFIT ON THE FOLLOWING DESCRIBED PROPERTY:

Lot 7 as shown on the Final Map of Lodgepole Ranch Estates Unit #2, recorded in the Official Records of Lyon County, Nevada on November 21, 1996 as Document No. 199979.

Together with all singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining.

## Case 3:73-cv-00127-MMD-WGC Document 5 Filed 06/21/07 Page 53 of 59

DIANE L. ARVIZO
Notary Public - State of Nevada
Appointment Rocorded in Lyon County
No: 98-5065-12 - Expires September 20, 2008



TRACY TAYLOR, P.E. State Engineer

# DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES DIVISION OF WATER RESOURCES

901 S. Stewart Street, Suite 2002 Carson City, Nevada 89701 (775) 684-2800 • Fax (775) 684-2811 http://water.nv.gov

November 2, 2006

RE: 53907

Phillip Gangwish and Karen Gangwish 23 Yellow Sage Road Wellington, NV 89444-9520

Dear Mr. and Mrs. Gangwish:

Please be advised that your Report of Conveyance received on May 18, 2006 is hereby confirmed to update ownership of a portion of Permit 53907 for 2.0 acre-feet annually at a diversion rate of 0.0066 cubic-feet per second in the name of Phillip Gangwish and Karen Gangwish. Application to Change 74581 has been filed to change this portion of Permit 53907 and is currently in Application status. The updated Summary of Ownership is enclosed for your reference.

Also be advised that according to NRS 533.386 (2.), this confirmation of your Report of Conveyance does not guarantee that a) the water right is in good standing with the office of the State Engineer; or b) the amount of water referenced in the notice or in the report of conveyance is the actual amount of water that a person is entitled to use.

This confirmation reflects only the information that has been filed with this office and may be subject to amendment upon receipt of additional documentation. The owner is responsible for notifying the State Engineer's office of any change of address in writing. If you have any questions, please contact this office at (775) 684-2800.

Sincerely,

- HOHMISOM

Jay Johnson

Engineering Technician III

JLJ/lld

Enclosure: Summary of Ownership

cc: Steven H. Ragan

DOC # 335842

# Case 3:73-cv-00127-MMD-WGC Document 5 Filectors 21/07 Page 55 of 59

(Not Compared to Original)

11/16/2004

2:51 PM

RECORDING REQUESTED BY:

A.P.N. 10-741-15 / 09-132-01

MAIL TAX STATEMENTS AND WHEN RECORDED, MAIL TO:

Joe Benigno 16 Yellow Sage Drive

Wellington, NV 89444

Official Record
Requested By
JOE BEN16NO

Lyon County - NV Mary C. Milligan - Recorder

THIS SPACE FOR RECORDER'S USE ONLY

The undersigned grantor(s) declare(s):

Documentary transfer tax is \$39.00, computed on full value of property conveyed.

#### WATER RIGHTS DEED

That Steven H. Ragan and Leslie A. Ragan, Husband and Wife in consideration of \$10.00 Dollars, the receipt of which is hereby acknowledged, do(es) hereby Grant, Bargain, Sell and Convey to Joe Benigno and Dhana Benigno, Husband and Wife as Joint Tenants with Right of Survivorship, <u>5 ACRE FEET OF WATER RIGHTS UNDER PERMIT NO. 53967</u> currently serving all that certain real property in the County of Lyon, State of Nevada, bounded and described as follows:

All that certain real property being a portion of SW % of SE % of Section 7, T 10 N, R 24 E, M.D.B.&M., Lyon County, Nevada, described as follows:

Parcel No. 1 as shown on the Parcel Map for William M. Weaver, Jr., recorded in the Official Records of Lyon County, Nevada on July 7, 1987 as Document No. 108743.

THE WATER IS TO BE DIVERTED AND USED FOR THE GRANTEES BENEFIT ON THE FOLLOWING DESCRIBED PROPERTY:

Lot 5 as shown on the Final Map of Lodgepole Ranch Estates Unit #2, recorded in the Official Records of Lyon County, Nevada on November 21, 1996 as Document No. 199979.

Together with all singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining.

## Case 3:73-cv-00127-MMD-WGC Document 5 Filed 06/21/07 Page 56 of 59

Dated: October 14, 2004

Steven H. Ragan

Steven H. Ragan

Leslie A. Ragan

| STATE OF NEVADA )   |
|---|
| COUNTY OF LYON)   |
| On 10-14-04 personally appeared before me, a Notary Public. |
| STEVEN H. RAGAN S   |
| LESLIE A. RABAN   |
| who acknowledged that he executed the above instrument.     |
| Signature (Notary Public)                                   |

DIANE L. ARVIZO
Notary Public - State of Nevada
Appeirment Recorded in Lyon County
it's 96 6033-12 - Brates September 26, 2000

Governor Case 3:73-cv-00127-MMD-WGC ment 5 Filed 06/21/07 Page 57

TRACY TAYLOR, P.E. State Engineer

### DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES **DIVISION OF WATER RESOURCES**

901 S. Stewart Street, Suite 2002 Carson City, Nevada 89701 (775) 684-2800 • Fax (775) 684-2811 http://water.nv.gov

November 2, 2006

RE: 53907

Joe Benigno and Dhana Benigno 1464 Carlson Drive Gardnerville, NV 89410

Dear Mr. and Mrs. Benigno:

Please be advised that your Report of Conveyance received on May 18, 2006 is hereby confirmed to update ownership of a portion of Permit 53907 for 5.0 acre-feet annually at a diversion rate of 0.0165 cubic-feet per second in the name of Joe Benigno and Dhana Benigno. Application to Change 74580 has been filed to change this portion of Permit 53907 and is currently in Application status. The updated Summary of Ownership is enclosed for your reference.

Also be advised that according to NRS 533.386 (2.), this confirmation of your Report of Conveyance does not guarantee that a) the water right is in good standing with the office of the State Engineer; or b) the amount of water referenced in the notice or in the report of conveyance is the actual amount of water that a person is entitled to use.

This confirmation reflects only the information that has been filed with this office and may be subject to amendment upon receipt of additional documentation. The owner is responsible for notifying the State Engineer's office of any change of address in writing. If you have any questions, please contact this office at (775) 684-2800.

Sincerely,

-JOHNESON

Jay Johnson

Engineering Technician III

JLJ/lld

Enclosure: Summary of Ownership

Steven H. Ragan cc:

Case 3:73-cv-00127-MMD-WGC Document 5 Filed 06

Requested By TITLE SERVICE & ESCRON

Lyon County - NV Mary C. Milligan - Recorder Page 1

of 2 Recorded By: KSL Fee: \$15.00 RPTT: \$2,281.50

A.P.N.:

10-741-15

File No:

142-2287219 (MK)

R.P.T.T.:

\$2,281.50

754 -31243

When Recorded Mail To: Mail Tax Statements To: Gene E. Hulstrom and Donna Hulstrom 711 N. Lyon Ave 711 N. Lyon Ave San Jacinto, Ca 92582 San Jacinto, CA 92582

### GRANT, BARGAIN and SALE DEED

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged,

Steven H. Ragan and Leslie A. Ragan, husband and wife as Joint Tenants

do(es) hereby GRANT, BARGAIN and SELL to

Gene E. Hulstrom and Donna Hulstrom, husband and wife as joint tenants with right of survivorship

the real property situate in the County of Lyon, State of Nevada, described as follows:

All that certain real property being a portion of SW 1/4 of SE 1/4 of Section 7,T 10N, R 24E, M.D.B. & M., Lyon County, Nevada described as follows:

Parcel No. 1 as shown on the Parcel No. 1 as shown on the Parcel Map for William M. Weaver, Jr., recorded in the Offical Records of Lyon County, Nevada on July 7,1987 as Document No. 108743.

TOGETHER with all tenements, hereditaments and appurtenances, including easements and water rights, if any, thereto belonging or appertaining, and any reversions, remainders, rents, issues or profits thereof.

Date: 08/16/2006

Steven H. Ragan

Sucial Rogan

Leslie A. Ragan

STATE OF NEVADLE
COUNTY OF NEW JAC

This instrument was acknowledged before me on MUST 00 00 0 by Steven (1) Ragan and Leslie A. Ragan.

(My commission expires. D. 7. D)

This Notary Acknowledgement is attached to that certain Grant, Bargain Sale Deed dated **August 16, 2006** under Escrow No. **142-2287219**.

